In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.1810 of 2006.

Date of decision:9.10.2006.

Davinder Singh and others.

...Petitioners.

Versus

Shivji Maharaj of Mandir Shivdwala Bajrawar.

...Respondent.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr. M.K.Dogra Advocate for the petitioners.

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Judgment.

S. N. Aggarwal, J.

Shivji Maharaj of Mandir Shivdwala Bajrawar (in short Shivdwala) filed the civil suit through its Mahant Joginder Gir Chela of Late Narain Gir (respondent) against Davinder Singh and others,appellants for permanent injunction. An application under Order 39 Rules 1 and 2 read with Section 151 CPC was also filed by the Shivdwala. It was opposed by the petitioners. However, the learned trial Court held that a prima-facie case was made out in favour of Joginder Gir who was the proper Mahant and was also entitled to manage the properties of Shivdwala. Accordingly, the application filed

by Shivdwala through its Mahant Joginder Gir was accepted by the learned trial Court vide order dated 28.2.2003.

The petitioners filed an appeal. The learned Lower Appellate Court up-held the said order and dismissed the appeal vide order dated 8.2.2006.

Hence, the present petition.

The submission of learned counsel for the petitioners was that the findings recorded by the Court in some other litigation have been taken into consideration by both the Courts below in accepting the application for interim stay filed by Shivdwala respondent through Mahant Joginder Gir. It was further submitted that the said judgments are subjudice and appeal is pending against those judgments in this Court. It was prayed that those judgments cannot be made the basis for passing the order in favour of Mahant Joginder Gir.

This submission has been considered. It has no merits . Admittedly, there is no stay order against those judgments. Therefore, those judgments are legal and valid till reversed by this Court in appeal. Therefore, the learned trial Court did not go wrong in taking into consideration those judgments while deciding the application for interim stay.

There is no merit in the present revision petition and the same is dismissed.

October 9,2006. (S. N. Aggarwal)
Jaggi Judge